

REMARKS

Claims 1-9 are pending. Claims 10-21 are withdrawn. Claims 1, 6 and 9 are amended. Applicant requests reconsideration and reexamination of the pending claims.

The TITLE has been amended to more specifically refer to the claimed invention. No new matter has been added.

The ABSTRACT has been amended to more specifically refer to the claimed invention. No new matter has been added.

The Specification has been amended to include the serial number of an application incorporated by reference, add status information and correct typographical errors. No new matter has been added.

The specification has also been amended as the Examiner suggested to capitalize the word KEVLAR as it denotes a trademarked name. The generic description of the product has also been added. No new matter has been added.

Figure 24 has been amended to correct for mis-numbered items. The specification and FIG. 24 are now consistent. No new matter has been added.

Claim 6 has been amended to make the claim more definite. Claim 6 is in condition for allowance.

Claim 9 has been amended to remove the term Kevlar, since the trademarked name of the product is not required in the claim. Claim 9 is in condition for allowance.

Rejection under 35 U.S.C. 103(a):

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being anticipated by Stole et al. (USPN 6091578) in view of Ogawa et al. (USPN 6052357). Applicant overcomes the rejection as follows.

Claim 1 sets forth, *inter alia*, an actuator assembly including "a first portion configured to position said first end of said actuator assembly parallel to the surface of the disk; and a second portion pivotally mounted to said first portion and configured to position said first end along an arcuate path relative to the surface of the disk." Applicant could find no teaching or suggestion in Stole et al. of such a configuration.

The actuator assembly of the present invention solves many of the miniaturization problems associated with previous optical-disk drive systems. The tilt focus method of the

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present invention introduces an out-of-perpendicular condition for the laser beam for purposes of maintaining the focus of the light beam on the data layer of the disk. Rotation of the focus arm relative to the tracking arm moves or pivots the focus arm which also moves the optical pick up unit, including the objective lens. In general terms, the optical pickup unit will move in an arcuate or curved path toward or away from the surface of the disk.

The Examiner alleges that Stole et al. discloses a portion 130 and a portion including 134 and 150. Applicant could find no teaching or suggestion in Stole et al. that the portion including 134 and 150 is pivotally mounted to portion 130 configured to position a first end of the actuator along an arcuate path relative to the surface of a disk. Accordingly, Claim 1 is not anticipated or rendered obvious in view of Stole et al.

Applicants have reviewed Ogawa et al. and find no teaching or suggestion that cures the deficiencies found in Stole et al. Accordingly, Claim 1 is allowable over Stole et al. both alone and in combination with Ogawa et al.

Claim 2-9 depend from Claim 1 and are therefore allowable for at least the same reasons as Claim 1.

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CONCLUSION

For the above reasons, pending Claims 1-9 are now in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (949) 752-7040.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Box 1450, Arlington, VA 22313-1450, on January 23, 2004.


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Respectfully submitted,



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